

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Michel Chateau

Serial No.: 10/546,139

Filed: July 19, 2006

For: **Method for the Production of Evolved
Microorganisms which Permit the
Generation or Modification of Metabolic
Pathways**

Group Art Unit: 1633

Examiner: Long, Scott

Atty. Dkt. No.: CABR (34076/US/2)

Confirmation No.: 1181

TERMINAL DISCLAIMER UNDER 37 CFR § 1.321

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

The owner, Metabolic Explorer, of 100 percent interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. § 154 to 156 and 173, as presently shortened by any terminal disclaimer, of prior Application No. 10/781,499 (US 2005/0054060). The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the above listed patent are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assignees.

In making the above disclaimer, the owner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. § 154 to 156 and 173 of the prior patent, as presently shortened by any terminal disclaimer, in the event that it later: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally

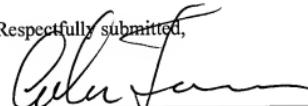
disclaimed under 37 CFR § 1.321, has all claims cancelled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

The undersigned is the attorney or agent of record in this application.

CUSTOMER NUMBER 38824

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Date: March 24, 2009